

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 220 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

ASHOK THADARAM CHAWLA

Versus

KUVERJI BHUGROMAL, DECD, THRO: HIS HEIRS

Appearance:

MR KG VAKHARIA for Petitioners

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/03/2000

ORAL JUDGEMENT

#. The applicant herein had filed Civil Revision Application No. 22 of 1980 before the learned District Judge, Kutch at Bhuj. The respondent herein had also filed Civil Revision Application No. 21 of 1980 before the learned District Judge, Kutch at Bhuj. Both the

Revision Applications were heard together. Both the above said Revision Applications were filed against the order passed by the learned Civil Judge, (JD) Gandhidham in Civil Misc. Application No. 23 of 1976, By the said application the learned Trial Judge had fixed the standard rent of the wooden structure at Rs. 45/- per month. The respondent tenant had filed Civil Revision Application No.21 of 1980 in so far as the fixation of standard rent at Rs. 45/- p.m.is concerned as according to the tenant it should not have been fixed at more than Rs. 10/- p.m. That the landlord filed Civil Revision Application NO. 22 of 1980 as according to him the contractual rent of Rs. 60/should be treated as standard rent. The learned District Judge consolidated both the Revision Applications and ultimately allowed the Civil Revision Application No. 21 of 1980 which was filed by the tenant and the learned District Judge modified the order of the Trial Court and the standard rent was ordered to be fixed at Rs. 10/- p.m.. So far as the Revision Application of the present applicant is concerned i.e. Revision Application No. 22 of 1980, the same was dismissed by the learned District Judge. Present applicant who is the landlord of the wooden structure filed the present Revision Application under section 115 of the Civil Proc. Code on the ground that the learned Appellate Judge should not have fixed the standard rent at Rs. 10/- p.m. However, so far as the present Revision Application is concerned the same is filed against the order of the learned District Judge passed in Revision Application No. 21 of 1980. In that view of the matter, present Revision Application would be the Second Revision Application and as per the view taken by this Court, Second Revision would not be maintainable. In that view of the matter, since the Second Revision Application is not maintainable as per the law laid down by this Court, the present Revision Application is required to be dismissed. I also do not find any jurisdictional error which requires interferences of this Court in this Revision Application which is filed under section 115 Civil Procedure Code.Accordingly this Revision Application is dismissed. Rule is discharged with no order as to costs.

(P.B.Majmudar.J)

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